

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

**BANCO POPULAR DE PUERTO RICO,  
INC.,**

**Plaintiff,**

**v.**

**LATIN AMERICAN MUSIC CO., INC., et  
al.,**

**Defendants.**

**CIVIL NO. 01-1142 (GAG)**

**BANCO POPULAR DE PUERTO RICO,  
INC.,**

**Plaintiff,**

**v.**

**LATIN AMERICAN MUSIC CO., INC., et  
al.,**

**Defendants.**

**CIVIL NO. 01-1461 (GAG)**

**OPINION AND ORDER**

The court held a jury trial on this matter between July 19, 2010 and August 6, 2010. The jury returned a verdict in favor of Latin American Music Company, Inc. (“LAMCO”) finding Banco Popular de Puerto Rico (“BPPR”) liable for copyright infringement with respect to the songs “Fichas Negras” and “Madrigal” and awarded \$42,941.00 to LAMCO for these infringements. (See Docket No. 638). On August 16, 2010, BPPR filed a Rule 50(b) motion requesting the entry of judgment as a matter of law with respect to the compositions “Fichas Negras” and “Madrigal” (Docket No.641). After considering BPPR’s renewed motion for judgment notwithstanding the verdict, the court **DENIES** said motion.

In its Rule 50(b) motion, BPPR renews its previous Rule 50 motion argument, asserting that

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3 the court lacks subject matter jurisdiction over these claims as LAMCO has failed to establish the  
4 requisite elements of a copyright infringement claim. The court previously denied this motion  
5 following the completion of BPPR's case, recognizing that the resolution of these legal issues was  
6 dependent upon factual determinations about the credibility of the witnesses and weight of the  
7 evidence. The court once again **DENIES** the motion on these grounds.

8 Furthermore, the affirmative defenses of implied licenses, and copyright misuse were  
9 considered by the jury when reaching its final verdict. The jury's verdict encompassed the factual  
10 determinations it reached after listening to the testimonies of the witnesses presented by both  
11 parties. As both parties presented sufficient evidence to create triable issues of fact regarding these  
12 defenses, such factual determinations were correctly decided by the jury. Therefore, the court  
13 **DENIES** BPPR's motion for judgment notwithstanding the verdict.

14 **SO ORDERED.**

15 In San Juan, Puerto Rico this 18th day of July, 2010.

16 *s/ Gustavo A. Gelpi*

17 GUSTAVO A. GELPI  
18 United States District Judge  
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